

Remarks

Claims 1-26 are now pending in this application. Claims 1-26 are rejected.

The rejection of Claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by Slaughter et al. (U.S. Patent 6,643,650 B1) is respectfully traversed.

Applicants respectfully submit that Slaughter et al. is not prior art under 35 U.S.C. § 102(e) because the invention in the above-referenced utility patent application was not described in Slaughter et al. before the invention by the Applicants. Under 35 U.S.C. § 102(e)(2), Applicants shall be entitled to a patent unless the invention was described in a patent granted on an application filed in the United States before the invention by the Applicants for patent (MPEP 706.02). Applicants respectfully submit that the invention in the above-referenced utility patent application was not described in Slaughter et al. before the invention by the Applicants because, as explained below, the earliest effective filing date of Slaughter et al. is after the effective filing date of the above-referenced utility patent application.

Applicants respectfully submit that the effective filing date of the above-referenced utility patent application is December 29, 1999 because the above-referenced utility patent application claims benefit to a U.S. provisional application filed on December 29, 1999. If a U.S. application properly claims benefit under 35 U.S.C. § 119(e) to a provisional application, the effective filing date of the U.S. application is a filing date of the provisional application (MPEP 706.02). The above-referenced utility patent application properly claims benefit under 35 U.S.C. § 119(e) to the U.S. provisional application with serial number 60/173,586, filed on December 29, 1999. Accordingly, Applicants respectfully submit that the effective filing date of the above-referenced utility patent application is December 29, 1999.

Applicants respectfully submit that the earliest effective filing date of Slaughter et al. is May 9, 2000 if provisional applications to which Slaughter et al. claims benefit properly support subject matter in Slaughter et al. A 35 U.S.C. § 102(e) date of a reference that did not claim the benefit of an international application is its earliest effective U.S. filing date resulting from any proper benefit claims to prior U.S. applications under 35 U.S.C. § 119(e) or 120 (MPEP

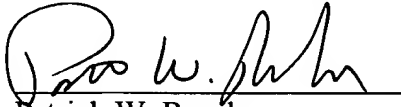
706.02(f)(1)). Furthermore, the 35 U.S.C. § 102(e) date of a reference is its earliest effective U.S. filing date if the prior U.S. applications properly support subject matter used to make a rejection under 35 U.S.C. § 112, first paragraph (MPEP 706.02(f)(1)). Applicants note that Slaughter et al. claims the benefit of the provisional applications that include a provisional U.S. application with serial number 60/202,975 filed on May 9, 2000, a provisional U.S. application with serial number 60/208,011, filed on May 26, 2000, a provisional U.S. application with serial number 60/209,430 filed on June 2, 2000, a provisional U.S. application with serial number 60/209,140 filed on June 2, 2000, and a provisional U.S. application with serial number 60/209,525, filed on June 5. Applicants also note that the earliest filing date of one of the provisional applications is May 9, 2000. Accordingly, Applicants respectfully submit that if the provisional applications support subject matter disclosed in Slaughter et al., the earliest effective filing date of Slaughter et al. is May 9, 2000.

The earliest effective filing date of Slaughter et al., May 9, 2000, is not before the effective filing date, December 29, 1999, of the above-referenced utility patent application. Accordingly, Applicants respectfully submit that the invention in the above-referenced utility patent application was not described in Slaughter et al. before the invention by the Applicants. Hence, Slaughter et al. is not prior art under 35 U.S.C. § 102(e).

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-26 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick W. Rasche", written over a horizontal line.

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